

**REMARKS/ARGUMENTS**

This Amendment is submitted in response to the Office Action mailed April 23, 2004. At that time claims 1-18 were pending in the application. In the Office Action, the Examiner rejected claims 1, 2, 5, 7, 8-12, 15 and 18 under 35 U.S.C. § 102(b) as being anticipated by WO 98/53581 to Gaw et al. (hereinafter “Gaw”). The Examiner further rejected claims 3, 4, 8, 13, 14 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Gaw in view of U.S. Patent No. 6,336,137 to Lee et al. (hereinafter “Lee”). Claims 6 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gaw in view of U.S. Patent No. 5,956,487 to Venkatraman et al. (hereinafter “Venkatraman”).

By this Amendment, claim 1 has been amended. The specification has also been amended to address a clerical error. Accordingly, claims 1-18 are presented for reconsideration by the Examiner.

**A. Claims 1, 2, 5, 7, 8-12, 15 and 18 Rejected Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 2, 5, 7, 8-12, 15 and 18 under 35 U.S.C. § 102(b) as being anticipated by Gaw. *See* Office Action, page 2. Applicant respectfully traverses this rejection.

It is well settled that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (July 1998) (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” M.P.E.P. § 2131 (July 1998) (*citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

The rejected claims 1, 2, 5, 7, 8-12, 15 and 18 include the limitation that the web server includes an HTTP server for serving web pages to the web clients. The claimed web server also

includes user interface components that are downloadable by the web client. These limitations are not taught are disclosed by Gaw.

Gaw discloses a server system that accesses control data through web browsers over a network. The server (12) disclosed in Gaw communicates with various devices (20-28) and performs protocol conversion by translating data to and from a generic control protocol. The server system of Gaw also manages communication of the generic control protocol with multiple clients. *See* Gaw, page 1, lines 9-12.

According to Gaw, applets (36a-c), which are embedded in a plurality of web pages (34a-c), communicate control data from the client workstation (14a-c) to the server (12). *See* Gaw, page 2, lines 27-29; Figures 1-2. However, the applets (36a-c) and the web pages (34a-c) are not served to the client workstation by the server (12). *See* Gaw, Figures 1-2; page 4, lines 31-32 (“the GUI [graphical user interface] applets are JAVA based and run off the HTML pages rather than being server-pushed”).

In fact, Applicant has been unable to find any portion of Gaw that identifies the server (12) as an HTTP server or web server as required by the claims. The HTML pages are not served to the client workstation by the server (12) but are instead accessed from some other URL address. *See* Gaw, page 5, lines 28-30. Since the rejected claims recite an HTTP web server that serves web pages and a user interface component to web clients, the web server claimed in the present application does not read on the server (12) of Gaw. Gaw, therefore, cannot anticipate the rejected claims under §102(b).

Furthermore, claims 1, 2, 5, 7, 8-12, 15 and 18 are not anticipated by Gaw for the alternative reason that the rejected claims include the limitation that communication with the embedded device(s) is initiated through use of the user interface element(s) by: (1) the user interface element(s) sending data to the HTTP server; (2) the HTTP server sending the data to the gateway communications module; (3) the gateway communications module communicating with the gateway; and (4) the gateway communicates with the embedded device(s). Such a limitation is not taught or disclosed by Gaw.

In formulating the rejection under §102(b), the Examiner argues that Gaw discloses this particular limitation in Figure 2 and page 10, lines 2-31. *See* Office Action, page 3. This portion

of Gaw cited by the Examiner shows a server (12) in communication with client workstations (14a-c as shown on Fig. 1). The server (12) is also in communication with various devices (20-28) via a control network (18). Applets (36a-c) “graphically provide user interfaces for displaying data and allowing client users to change settings or parameters of devices 20-28 from remote locations via the Web.” Gaw, page 8, line 31 to page 9, line 1.

Since the Examiner did not identify which components of the Gaw server system that the claim 1 limitations read on, the Applicant assumes, without admitting any correctness of the Examiner’s position, that the Examiner believes: (1) the user interface element(s) read on the applets (36a-c) of Gaw, (2) the HTTP server reads on the server (12) of Gaw, and (3) the embedded devices read on the devices (20-28) of Gaw. Noticeably absent from Gaw is a gateway communications module and a gateway as recited in claims 1 and 10. According to claims 1 and 10, the gateway communications module receives data from the HTTP server and communicates with the gateway. The gateway communicates with the gateway communications module and with the embedded device(s). Gaw cannot anticipate under §102 because it does not disclose these features of the claimed invention. Essentially, Gaw discloses a device control system without a gateway or a gateway communications module.

Even if the Examiner assumes that the HTTP server and the gateway exist in one computer, the Examiner cannot identify the distinct functionality of all elements of the rejected claims present in Gaw, including the HTTP server, the gateway communications module and the gateway. First, according to the relevant claims the HTTP server serves web pages, sends the user interface component to the web client, and sends and receives data from the gateway communications module. The server (12) of Gaw does not serve web pages or user interface components to the web clients, but instead receives applets (36a-c) and communicates directly with the devices (20-28).

Second, according to the claims, the gateway communications module is present in the server and communicates with the gateway. There is no gateway in Gaw since the server communicates with the devices (20-28) directly. Consequently, there is no gateway communications module in Gaw.

Third, according to the claims, the gateway communicates (and is programmed to communicate) with the embedded device(s), and also communicates with the gateway communications module. Although the server (12) of Gaw communicates with the devices (20-28), it does so directly, and not through any gateway (hardware or otherwise).

Therefore, Gaw does not teach each and every claim limitation of claims 1, 2, 5, 7, 8-12, 15 and 18, and cannot anticipate under §102(b). Withdrawal of this rejection is respectfully requested.

B. Claims 3, 4, 8, 13, 14 and 17 Rejected under 35 U.S.C. § 103

The Examiner rejected claims 3, 4, 8, 13, 14 and 17 under 35 U.S.C. §103(a) as being unpatentable over Gaw in view of Lee. *See* Office Action, page 4. The Applicant respectfully traverses this rejection.

The Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness. It is well settled that the PTO has the burden to establish a *prima facie* case of obviousness. *See* M.P.E.P. § 2142. “If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” *Id.* According to M.P.E.P. § 2143.03, to establish a *prima facie* case of obviousness, “all of the claim limitations must be taught or suggested by the prior art.” (citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (C.C.P.A. 1974)).

As discussed above, Gaw does not disclose each and every claim limitation of the rejected claims. The Examiner has cited Lee for its alleged disclosure of the use of HDML, WML, and the use of servlets. *See* Office Action, pages 4-5. However, this particular disclosure in Lee does not teach the claim limitations absent from Gaw. Therefore, the combination of Gaw and Lee does not teach all claim limitations. Consequently, the combination of Gaw and Lee does not render the rejected claims obvious under 35 U.S.C. §103(a). Withdrawal of this rejection is respectfully requested.

C. Claims 6 and 16 Rejected Under 35 U.S.C. § 103

The Examiner rejected claims 6 and 16 under 35 U.S.C. §103(a) as being unpatentable over Gaw in view of Venkatraman. *See* Office Action, page 5. The Applicant respectfully traverses this rejection.

As noted above, a claim is not *prima facie* obvious if the art cited by the Examiner does not teach each and every claim limitation. M.P.E.P. § 2143.03. It has already been established that Gaw does not teach all claim limitations. Venkatraman is cited for its alleged disclosure of the use of web-based multimedia in a user interface. However, this particular disclosure in Venkatraman does not teach the claim limitations absent from Gaw. Therefore, the combination of Gaw and Venkatraman does not teach all claim limitations and, as a result, the rejected claims are not *prima facie* obvious under 35 U.S.C. §103(a). Withdrawal of this rejection is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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